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Report of the Working Group on the Universal Periodic Review*

Afghanistan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Introduction

1. The Government of Islamic Republic of Afghanistan (GIRoA) presented its second Universal Periodic Review (UPR) five months ago to United Nations Human Rights Council. During this time, Afghanistan has achieved more progress in the follow up of Recommendations accepted by the Government.

2. Upon return, the Afghan delegation held numerous meetings with Steering Committee and Technical Working Group on implementation of accepted Recommendations. Ministry of Foreign Affairs and Ministry of Justice with other sectorial institutions translated these recommendations into national official languages and after categorizing them, they have been reviewed and analyzed and shared with 30 government institutions. For the better implementation of the accepted Recommendations, raising awareness programmes have been held in sectorial institutions.

3. For the complete implementation of these Recommendations, some programmes have considered for the future. Their inclusion in Recommendation Action Plan, finalization of Recommendation Action Plan in coordination with relevant and sectorial organisations, follow up of Recommendation Action Plan in ministries and other government institutions continuously and provide technical cooperation to the Recommendation implementing partners are the Islamic Republic of Afghanistan programmes in future.

Islamic Republic of Afghanistan status on 34 Recommendations that have been suspended for assessment and review until June

4. The 34 Recommendations that have received by the Afghan delegation during the presentation of second UPR report, have been shared with relevant government and sectorial institutions for assessment and review and also considering their implementation opportunity. But because the Recommendations are numerous and cover a wide range of topics and also due to the lack of technical facilities, including lack of budget for the official translation of conventions and their optional protocols that require Afghanistan accession, are the main barrier to provide response to the 34 Recommendations.

5. Therefore, the Government of Islamic Republic of Afghanistan in consultation with sectorial institutions, divides these 34 Recommendations into 2 categories:

(a) The first category includes Recommendations No 1, 2, 7, 8, 9, 10, 11, 12, 19, and 21. Islamic Republic of Afghanistan accepts these recommendations. Work will be started on these Recommendations after the processes are completed.

(b) The second category includes the Recommendations No 3, 4, 5, 6, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, and 34. Islamic Republic of Afghanistan wants to review and assess these recommendations until the translation and assessment of barriers and their implementation opportunity. Most of these recommendations require Afghanistan accession to some conventions and their optional protocols. Since accession to some conventions and their optional protocols is a long process and needs extensive consultation and professional studies, therefore, the Government of Afghanistan scrutinize the above Recommendations once again.

6. About the Recommendation No 32, it should be mentioned that GIRoA has already acceded to the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in the armed conflict.

Considering the above mentioned matter, the following recommendations have been accepted by the Islamic Republic of Afghanistan

137.1. Consider ratifying the International Convention of the Rights of Migrant Workers (Egypt);

137.2. Ratify the optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime and; the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution of the South Asian Association for Regional Cooperation (SAARC) (Spain);

137.7. Respond positively to requests to visits made by the Special Rapporteur on violence against women it causes and consequences (Mexico);

137.8. Respond positively to requests to visits made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Mexico);

137.9. Expand cooperation with the special procedures, including with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment, and Special Rapporteur on violence against women, its causes and consequences (Tajikistan);

137.10. Consider incorporating the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measure for Women Offenders, otherwise known as the "Bangkok Rules", as a part of its programme to enhance the conditions of women detainees in prison (Thailand);

137.11. Adopt measures to combat cases of torture and ill-treatment in the detention centres (France);

137.12. Address shortcomings identified by international election monitors and ensure that the election and campaigning ahead of them, including the access of candidates to the media are transparent, free and fair (Czech Republic);

137.19. Implement the objectives of its 2005 Action Plan on Peace, Justice and Reconciliation and the National Priority Programme no. 6 in relation to human rights, and prosecute persons who committed grave human rights violations or war crimes (Switzerland);

137.21. Give the Afghanistan Independent Human Rights Commission the independence and legal authority to hold to account perpetrators of detainee mistreatment (United Kingdom of Great Britain and Northern Ireland).

The Government of Afghanistan wants to study the following recommendations once again till the analyses of barriers, implementation opportunities, extensive consultation with sectorial institutions are carried out and will provide answers to them in proper time

137.3. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocol to the Convention against Torture, and Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Tunisia);

137.4. Uphold efforts aimed at the practical implementation of its human rights commitments and accede to the optional protocols of the human rights conventions to which it is a party (Hungary);

137.5. Enhance cooperation with the Human Rights Council by issuing a standing invitation to special procedures and accepting all visits requested by mandate holders (Hungary);

137.6. Strengthen its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedures mandate holders (Latvia);

137.13. Repeal article 398 of the Afghan Penal Code with a view to ensuring full accountability for the perpetrators of so called honor killings (Poland); A/HRC/WG.6/18/L.225;

137.14. Repeal article 398 of the Penal Code which gives perpetrators of honour killings legal concessions (United Kingdom of Great Britain and Northern Ireland);

137.15. Amend the National Reconciliation, General Amnesty and National Stability Law to allow for prosecutions of certain crimes, such as genocide, war crimes and torture (Sweden);

137.16. Reinforce and consolidate recovery of the country and national reconciliation and remedy past human rights violations through the establishment of a transitional justice strategy (Morocco);

137.17. Decisively take issue with human rights violations and war crimes of the past decades with a view to bringing the perpetrators to justice (Germany #05);

137.18. Ensure a national mechanism for transitional justice and national reconciliation, starting with the immediate release of the conflict mapping report of the Human Rights Commission and ensure adequate security assistance for its staff (Netherlands);

137.20. Adhere to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness (Uruguay);

137.22. Accede to and fully implement the Optional Protocol to the CEDAW, amendment of laws that discriminate against women, and facilitate a broad public discussion on women's rights and equality (Czech Republic);

137.23. Ratify the Agreement on Privileges and Immunities of the International Criminal Court and take all necessary measures for their implementation as well as the preservation of the integrity of the Rome Statute (France);

137.24. Ratify the Kampala Amendments to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);

137.25. Accede to the Agreement on Privileges and Immunities of the International Criminal Court (Slovakia);

137.26. Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);

137.27. Ratify the Optional Protocol of the Convention against Torture and to take policy measures to prevent torture and ill treatment (Estonia);

137.28. Ratify the Optional Protocol against Torture (OPCAT), and by virtue of the latter, establish a national preventive mechanism (Switzerland);

137.29. Accede to the Optional Protocol to the CAT and implement measures ensuring prompt and impartial investigation of ill treatment and torture of A/HRC/WG.6/18/L.226 detainees and strengthen the accountability mechanisms for police and armed forces (Czech Republic);

137.30. Ratify the optional protocols no. 1 and 2 to the ICCPR as well as the OP-CAT and make the necessary declarations under article 41 of ICCPR and articles 20, 21 and 22 of CAT (Austria);

137.31. Takes steps to ensure proper and widespread enforcement of article 29 of the Constitution and ratify the Optional Protocol to the Convention against Torture (Denmark);

137.33. Ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);

137.34. Consider becoming a party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Thailand).

Conclusion

7. **The Government of Islamic Republic of Afghanistan has started the work on accepted Recommendations in cooperation with other ministries and institutions and will compile their detailed answers and will present as the Afghanistan third report on Universal Periodic Review to the United Nations Human Rights Council. The Government of Afghanistan will held many Steering Committee and Technical Working Group meetings in this regard and will ask the members of these committees to provide their precise and detailed responses so that their responses would be compiled and presented to the Human Rights Council. Also, in coordination with sectorial institutions, some raising awareness programmes will be held in relevant organisations. Also the Government of Afghanistan will review and scrutinize the second category Recommendations in order to provide their implementation opportunities and will try to provide precise and detailed responses to these Recommendations in a proper time.**

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Report of the Working Group on the Universal Periodic Review*

Chile

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. Chile participated in the second cycle of the Universal Periodic Review (UPR) in a transparent manner, guided by its firm resolve to cooperate with a central mechanism for coordinating the effective implementation of human rights. It participated with a high-level delegation that included representatives of all State institutions. Chile appreciates the recognition given to its progress with regard to human rights institutions, as well as the criticism and recommendations conveyed, which emphasized cooperation and constructive dialogue.

2. These recommendations were considered with a view to strengthening our democracy and the effective enjoyment of all human rights and fundamental freedoms in our society. In 2009 Chile accepted 71 recommendations made by 51 States, for which it achieved a high level of compliance. During this second cycle Chile has received a total of 185 recommendations made by 84 States. After considering the recommendations from the legal, policy and institutional perspectives, Chile has decided to support nearly all the recommendations received — 142 — either because it shares their goals and is resolved to implement them, or because they have already been or are being implemented. It has taken note of a small number of recommendations — 30 — which it cannot commit to implementing before the next review, primarily for reasons of constitutional order linked to legislative proceedings required in order to fulfil these recommendations. Only a handful of recommendations — 13 — do not have the support of Chile, because they are incompatible with the objectives of the UPR, with constitutional principles and with national law.

3. Chile reiterates its commitment to the universal human rights system, in particular the Human Rights Council and the UPR mechanism, and reiterates its standing invitation to all special procedures.

Recommendations that Chile supports

4. Recommendations 121.18, 121.19, 121.20, 121.21, 121.22, 121.23, 121.24, 121.25, 121.26, 121.27, 121.28, 121.29, 121.33, 121.34, 121.35, 121.36, 121.37, 121.38, 121.39, 121.40, 121.41, 121.42, 121.43, 121.44, 121.45, 121.46, 121.47, 121.48, 121.49, 121.50, 121.51, 121.52, 121.53, 121.54, 121.55, 121.56, 121.57, 121.58, 121.62, 121.63, 121.64, 121.65, 121.66, 121.67, 121.68, 121.69, 121.70, 121.71, 121.73, 121.74, 121.75, 121.76, 121.77, 121.78, 121.79, 121.80, 121.81, 121.82, 121.83, 121.84, 121.85, 121.86, 121.87, 121.88, 121.89, 121.90, 121.91, 121.92, 121.93, 121.94, 121.95, 121.96, 121.98, 121.99, 121.100, 121.101, 121.102, 121.103, 121.104, 121.105, 121.106, 121.107, 121.108, 121.109, 121.113, 121.114, 121.115, 121.116, 121.118, 121.119, 121.120, 121.121, 121.122, 121.123, 121.124, 121.126, 121.127, 121.128, 121.129, 121.130, 121.131, 121.132, 121.133, 121.144, 121.145, 121.146, 121.147, 121.148, 121.149, 121.150, 121.151, 121.152, 121.153, 121.154, 121.155, 121.156, 121.157, 121.158, 121.159, 121.160, 121.161, 121.162, 121.163, 121.164, 121.165, 121.166, 121.170, 121.171, 121.172, 121.173, 121.174, 121.175, 121.176, 121.177, 121.178, 121.179, 121.180, 121.181, 121.182 and 121.184.

5. Chile supports recommendation 121.134, while expressly stating that as abortion is not part of a woman's right to sexual and reproductive health, this support does not constitute a commitment to legalize it.

6. Chile partially supports recommendation 121.169, specifically the following part: "ensure that all human rights of indigenous persons are promoted and respected, inter alia by ensuring the participation of concerned groups in the decision-making processes that affect their human rights".

Recommendations of which Chile has taken note

7. Chile takes note of recommendations 121.1, 121.2, 121.3, 121.4, 121.5, 121.6, 121.7, 121.8, 121.9, 121.10, 121.11, 121.12, 121.13, 121.14, 121.15, 121.16 and 121.17, which aim to foster the ratification of the international instruments mentioned therein, because it cannot commit to supporting them in specific terms for the next review, since the steps outlined therein require parliamentary approval, an essential feature of our political system.

8. Chile takes note of recommendations 121.30, 121.31 and 121.32 on the establishment of an ombudsman for children. A legislative initiative on integrated child protection is under discussion to determine what type of institution best suits this purpose.

9. Chile takes note of recommendations 121.59, 121.60, 121.61 and 121.72, as the anti-discrimination legislation, which has been in force since 2012, is in its initial phase of implementation and evaluation. Only after its impact has been evaluated will it be possible to consider in a responsible way whether its content or scope need amending.

10. Chile takes note of recommendation 121.97 on amending the law on domestic violence, considering that it must first assess the law's implementation and impact.

11. Chile takes note of recommendations 121.110, 121.111 and 121.112, in part, with regard to the phrase "strengthen its efforts to advance organic and procedural reform of military justice", as any reform of the military justice system would require legislative proceedings whose outcome cannot be ascertained in time for the next review.

12. Chile takes note of recommendation 121.117 on amending Law No. 19.992, as its amendment would require legislative proceedings whose outcome cannot be ascertained in time for the next review.

13. Chile takes note of recommendation 121.125 on the adoption of legislation establishing quotas for political parties, because, while Chile supports initiatives to increase women's participation in politics, there is no consensus regarding whether quotas are the most effective means of achieving that goal.

Recommendations that Chile does not support

14. Chile does not support the part of recommendation 121.112 that reads "with the aim of eliminating the use of the death penalty in all hypotheses comprised in the Code of Military Justice". Chile advocates a moratorium on the death penalty and reserves the right to apply it in times of war, as permitted by international law in exceptional circumstances.

15. Chile does not support recommendations 121.135, 121.136, 121.137, 121.138, 121.139, 121.140, 121.141, 121.142 or 121.143. Article 19.1 of the Constitution enshrines "the right to life and to physical and psychological integrity of the person", adding later that "the law protects the life of the unborn", without recognizing a human right to abortion, in conformity with the human rights treaties ratified by Chile. Indeed, the Convention on the Elimination of All Forms of Discrimination against Women does not establish the right to abortion as a human rights standard, and both the United Nations International Conference on Population and Development held in Cairo in 1994, and its action plan, expressly noted that there is no international consensus recognizing abortion as an integral part of women's right to sexual and reproductive health.

16. Chile does not fully support recommendations 121.167, 121.168 and 121.169, in particular the phrase "by ensuring that the application of the Counter-Terrorism Law does not undermine the human rights of indigenous as well as other persons". Counter-terrorism

legislation makes it possible to investigate serious acts intended to instil fear or disturb public order, and to identify and punish those responsible. The Counter-Terrorism Law is invoked on an exceptional basis and is not a systematic, regular or discriminatory practice directed against the Mapuche or any other indigenous people, since its purpose is not to persecute particular individuals or groups.

17. Chile does not support recommendation 121.183. National immigration legislation is in conformity with prevailing international law, which permits the restriction of cross-border traffic as needed to protect national security interests or public order, health or morals. The application of this legislation does not meet the criteria for nationality-based discrimination.

18. Chile would like to reiterate that, as was stated in the report of the Working Group, it does not support recommendation 122.1.